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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,082	10/22/2003	Richard C. Fickle	505,807-057	8304
34263 7590 09/13/2007 O'MELVENY & MYERS LLP 610 NEWPORT CENTER DRIVE 17TH FLOOR NEWPORT BEACH, CA 92660			EXAMINER EKPO, NNENNA NGOZI	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/692,082	FICKLE ET AL.	
	Examiner	Art Unit	
	Nnenna N. Ofurum	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/22/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/20/2004</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The reference listed in the Information Disclosure Statement filed on September 20, 2004 has been considered by the examiner (see attached PTO-1449 form).

### *Claim Objections*

2. **Claims 1-4, 13-14 and 16** are objected to because of the following informalities:
  - a) **On line 11 of claim 1**, delete "a" and add --said-- or --the-- before "multimedia content provider" since this is not the first time multimedia content provider is being mentioned.
  - b) **On line 2 of claims 2, 3 and 4**, delete "a" and add --said-- or --the-- before "plurality of data segments" since this is not the first time plurality of data segments are being mentioned.
  - c) **On line 12 and 13 of claim 13**, delete "a" and add --said-- or --the-- before "complete multimedia asset package" and "plurality of multimedia data segments" since this is not the first time complete multimedia asset package and plurality of multimedia data segments are being mentioned.
  - d) **On line 1 and 2 of claims 14 and 16**, delete "a" and add --said-- or --the-- before "plurality of multimedia data segments" since this is not the first time plurality of multimedia data segments are being mentioned.Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895).

Regarding **claim 1**, Gordon et al. discloses a method of simultaneously receiving and processing multimedia asset packages transmitted by a plurality of multimedia content providers, each multimedia asset package being transmitted as a plurality of data segments, comprising:

assigning a unique process identification number (PID) used by each of the multimedia content providers (video 1-video 10) (see column 2, lines 60-62 and fig 2),

simultaneously receiving a plurality of data from the plurality of multimedia content providers, wherein the data are tracked using the PID assigned to the frequency band used by each multimedia content provider (see fig 2, column 5, lines 24-46 and VOD server 122 of fig 1),

reconstructing a multimedia asset package transmitted by a multimedia content provider by compiling the plurality of data segments that constitute the multimedia asset package (see column 5, lines 56-62 and column 5, lines 25-45), and

providing the multimedia asset packages to a video-on-demand server that transmits at least a portion of a multimedia asset package to an end user (see fig 1, column 4, lines 15-21 and lines 25-35). However, Gordon et al. fail to specifically disclose assigning a unique process identification number (PID) to a frequency band.

Yashiro et al. discloses assigning a unique process identification number (PID) to a frequency band (see column 6, lines 56-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al.'s invention with the above mentioned limitation as taught by Yashiro et al. for the advantage of preventing collisions between two or more programs.

Regarding **claim 2**, Gordon et al. and Yashiro et al discloses everything claimed as applied above (see *claim 1*). Gordon et al. discloses the method wherein simultaneously receiving a plurality of data segments comprises receiving at least three data simultaneously from different multimedia content providers (see fig 2, column 6, lines 14-24 and column 5, lines 25-45).

Regarding **claim 3**, Gordon et al. and Yashiro et al discloses everything claimed as applied above (see *claim 1*). Gordon et al. discloses the method wherein simultaneously receiving a plurality of data segments comprises simultaneously receiving the plurality of data on different frequency bands (see fig 2, column 1, lines

32-41 and column 5, lines 25-45). However, Gordon et al. fails to disclose frequency band.

Yashiro et al. discloses frequency band (see column 6, lines 56-64).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895) as applied to *claim 1* above, and further in view of Mitchell (US Patent Number 6,529,706).

Regarding **claim 4**, Gordon et al. and Yashiro et al discloses everything claimed as applied above. Gordon et al. discloses the method wherein simultaneously receiving a plurality of data segments comprises receiving data from each multimedia content provider for each frequency band used by each content provider (see fig 2, column 1, lines 32-41, column 6, lines 14-24 and column 5, lines 25-45). However, Gordon et al. and Yashiro et al. fail to specifically disclose using a separate data receiver card.

Mitchell discloses a data receiver card (see fig 5 (510) and column 12, lines 54-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention with the above mentioned limitation as taught by Mitchell for the advantage of providing additional services.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) and Yashiro et al. (US Patent Number 5,767,895) as applied to *claim 1* above, and further in view of Pereyra (US Publication Number 2003/0120608).

Regarding **claim 5**, Gordon et al. and Yashiro et al. discloses everything claimed as applied above (*see claim 1*). Gordon et al. discloses a multimedia content provider (*see fig 2*). However, Gordon et al. fails to specifically disclose backchannel connection and tracking of receipt of asset package.

Mitchell discloses a backchannel connection (*see fig 2 (280) and column 5, lines 39-49*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention

with the above mentioned limitation as taught by Mitchell for the advantage of being controlled by the provider.

However, Mitchell fails to specifically disclose tracking of receipt of asset package.

Pereyra discloses tracking of receipt of asset package (see paragraph 0051, lines 42-54 and fig 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Mitchell 's invention with the above mentioned limitation as taught by Pereyra for the advantage of acknowledging the confirmation of delivery item.

Regarding **claim 6**, Gordon et al., Mitchell and Pereyra discloses everything claimed as applied above (see *claim 5*). Mitchell discloses a backchannel connection (see fig 2 (280) and column 5, lines 39-49). However, Gordon et al., and Mitchell fail to disclose providing acknowledgements of receipt of a multimedia asset package to the multimedia content provider.

Pereyra discloses providing acknowledgements of receipt of a multimedia asset package to the multimedia content provider (see paragraph 0051, lines 42-54 and fig 4).

Regarding **claim 7**, Gordon et al, Mitchell and Pereyra discloses everything claimed as applied above (see *claim 5*). Mitchell discloses the method wherein the



backchannel connection is a network connection chosen from the group consisting of an internet connection, a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection (see column 2, lines 58-61).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 8-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) as applied to *claim 1* above, and further in view of Yashiro et al. (US Patent Number 5,767,895) and Jerding et al. (US Patent Number 7,010,801).

Regarding **claim 8**, Gordon et al. and Yashiro et al. discloses everything claimed as applied above. However, Gordon et al. and Yashiro et al. fail to specifically disclose the method wherein reconstructing a multimedia asset package comprises: validating the multimedia asset package to confirm successful receipt of the multimedia asset package.

Jerding et al. discloses the method wherein reconstructing a multimedia asset package comprises:

validating the multimedia asset package to confirm successful receipt of the multimedia asset package (see fig 10, 13, 20 (259) and column 19, lines 15-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention with the above mentioned limitation as taught by Jerding et al. in order to verify the content was received.

Regarding **claim 9**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (*see claim 8*). Jerding et al. discloses the method wherein validating the multimedia asset package comprises:

receiving metadata that accompanies the data segments of the multimedia asset package (see column 17, lines 39-41), and

analyzing the metadata to determine whether the complete multimedia asset package is received (see column 17, lines 27-38).

Regarding **claim 10**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (*see claim 8*). Jerding et al. discloses the method wherein validating the multimedia asset package occurs before providing the multimedia asset package to the video-on-demand server (see column 4, lines 65-67 and column 5, lines 1-3).

Regarding **claim 11**, Gordon et al, Yashiro et al. discloses everything claimed as applied above (see *claim 1*). However, Gordon et al. and Yashiro et al. fail to specifically disclose the method wherein the multimedia asset package comprises a movie file, the method comprising: receiving a request for the movie file from the multimedia asset package from an end user, comparing metadata associated with the multimedia asset package with validation logic and business rules restricting the use of the movie file, and providing the movie file to the end user if the metadata complies with the validation logic and business rules.

Jerding et al. discloses the method wherein the multimedia asset package comprises a movie file, the method comprising:

receiving a request for the movie file from the multimedia asset package from an end user (see fig 12 and column 21, lines 60-65)

comparing metadata associated with the multimedia asset package with validation logic and business rules restricting the use of the movie file (see fig 5 and column 21, lines 55-60) and

providing the movie file to the end user if the metadata complies with the validation logic and business rules (see fig 19b and column 25, lines 29-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention to include the above mentioned limitation as taught by Jerding et al. in order to verify whether the user/viewer is authorized to rent the movie.

Regarding **claim 12**, Gordon et al, Yashiro et al. discloses everything claimed as applied above (*see claim 1*). However, Gordon et al. and Yashiro et al. fail to specifically disclose the method comprising: enabling a user to determine an order in which the multimedia asset packages are provided to the video-on-demand server.

Jerding et al. discloses the method comprising: enabling a user to determine an order in which the multimedia asset packages are provided to the video-on-demand server (*see column 10, lines 33-46*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention to include the above mentioned limitation as taught by Jerding et al. in order to prioritize the content.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 13-15 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895) and Jerding et al. (US Patent Number 7,010,801).

Regarding **claim 13**, Gordon et al. discloses a method of simultaneously receiving and processing multiple multimedia asset packages, comprising:

assigning a unique process identification number (PID) used by a plurality of multimedia content providers (video 1-video 10) (see column 2, lines 60-62 and fig 2),

receiving a plurality of multimedia data from the plurality of multimedia content providers, wherein the multimedia data are received simultaneously, the multimedia data segments are tracked using the PIDs, and the plurality of multimedia data segments form a complete multimedia asset package (see fig 2 and column 5, lines 24-46 and column 5, lines 25-45),

providing each complete multimedia asset package to a video-on-demand server that transmits multimedia assets to end users (see fig 1, column 4, lines 15-21 and lines 25-35). However, Gordon et al. fail to specifically disclose assigning a unique process identification number (PID) to a frequency band.

Yashiro et al. discloses assigning a unique process identification number (PID) to a frequency band (see column 6, lines 56-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al.'s invention with the above mentioned limitation as taught by Yashiro et al. for the advantage of preventing collisions between two or more programs.

However, Gordon and Yashiro et al. fails to specifically disclose validating the complete multimedia asset to confirm successful receipt of the complete multimedia asset.

Jerding et al. discloses validating the complete multimedia asset to confirm successful receipt of the complete multimedia asset (see fig 10, 13, 20 (259) and column 19, lines 15-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention with the above mentioned limitation as taught by Jerding et al. in order to verify the content was received.

Regarding **claim 14**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (see *claim 13*). Gordon et al. discloses the method wherein receiving a plurality of multimedia data comprises simultaneously receiving at least three multimedia data segments simultaneously from three different multimedia content providers (see fig 2, column 6, lines 14-24 and column 5, lines 25-45).

Regarding **claim 15**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (see *claim 13*). Gordon et al. discloses the method wherein receiving a plurality of multimedia data comprises simultaneously receiving the plurality of multimedia data from different multimedia content providers on different frequency bands, and the multimedia data segments for a complete multimedia asset package transmitted by a particular multimedia content provider are transmitted

on a common frequency band (see fig 2, column 1, lines 32-41 and column 5, lines 24-46). However, Yashiro et al. fail to specifically disclose frequency band.

Yashiro et al. discloses frequency band (see column 6, lines 56-64).

Regarding **claim 19**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (*see claim 13*). Jerding et al. discloses the method wherein validating the multimedia asset package comprises:

receiving metadata that accompanies the data segments of the multimedia asset package (see column 17, lines 39-41), and

analyzing the metadata to determine whether the complete multimedia asset package is received (see column 17, lines 27-38).

Regarding **claim 20**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (*see claim 13*). Jerding et al. discloses the method wherein validating the multimedia asset package occurs before providing the complete multimedia asset package to the multimedia server (see column 4, lines 65-67 and column 5, lines 1-3).

Regarding **claim 21**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (*see claim 13*). Jerding et al. discloses the method further comprising:

Providing a portion of the complete multimedia asset package to a requesting end user (see fig 12 and column 21, lines 60-65) by comparing metadata associated with the complete multimedia asset package with validation logic and business rules governing authorized users of the asset package (see fig 5 and column 21, lines 55-60) and transmitting the portion of the complete multimedia asset package to the end user if the metadata complies with the validation logic and business rules (see fig 19b and column 25, lines 29-40).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895) and Jerding et al. (US Patent Number 7,010,801) as applied to **claim 13** above, and further in view of Pereyra (US Publication Number 2003/0120608) and Mitchell (US Patent Number 6,529,706).

Regarding **claim 17**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above (see *claim 13*). However, Gordon et al., Yashiro et al. and Jerding et al. fail to specifically disclose a backchannel connection and providing



each multimedia content provider with acknowledgements of either successful or unsuccessful receipt of a complete multimedia asset package.

Mitchell discloses a backchannel connection (see fig 2 (280) and column 5, lines 39-49).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al. and Jerding et al.'s invention with the above mentioned limitation as taught by Mitchell in order to verify the content was received.

However, Gordon et al., Yashiro et al., Jerding et al. and Mitchell fails to specifically disclose providing each multimedia content provider with acknowledgements of either successful or unsuccessful receipt of a complete multimedia asset package.

Pereyra discloses providing each multimedia content provider with acknowledgements of either successful or unsuccessful receipt of a complete multimedia asset package (see paragraph 0051, lines 42-54 and fig 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al., Jerding et al. and Mitchell 's invention with the above mentioned limitation as taught by Pereyra for the advantage of acknowledging the confirmation of delivery item.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 16 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895) and Jerding et al. (US Patent Number 7,010,801) as applied to *claim 13* above, and further in view of Mitchell (US Patent Number 6,529,706).

Regarding **claim 16**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above. Gordon et al. discloses the method wherein simultaneously receiving a plurality of data segments comprises receiving data from each multimedia content provider for each frequency band used by each content provider (see fig 2, column 1, lines 32-41, column 6, lines 14-24 and column 5, lines 25-45). However, Gordon et al., Jerding et al. and Yashiro et al. fail to specifically disclose using a separate data receiver card.

Mitchell discloses a data receiver card (see fig 5 (510) and column 12, lines 54-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Jerding et al. and Yashiro et al.'s invention with the above mentioned limitation as taught by Mitchell for the advantage of providing additional services.

Regarding **claim 18**, Gordon et al., Yashiro et al., Jerding et al. and Mitchell discloses everything claimed as applied above (see claim 17). Mitchell discloses the method wherein the backchannel connection is a network connection chosen from the group consisting of an internet connection, a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection (see column 2, lines 58-61).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 22 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) in view of Yashiro et al. (US Patent Number 5,767,895) and Jerding et al (US Patent Number 7,010,801).

Regarding **claim 22**, Gordon et al. discloses multimedia catcher receiver, comprising:

simultaneously receiving a plurality of multimedia data segments sent from a plurality of multimedia content providers and to provide the multimedia data segments to a receive unit (see fig 1, 2 and column 5, lines 24-46),

reconstruct a complete multimedia asset package from a plurality of multimedia data transmitted by a multimedia content provider (see column 5, lines 56-62),

wherein each band used by a multimedia content provider is assigned a unique process identification number (PID), and tracks the multimedia asset packages using at least the PID assigned to the band used by the multimedia content provider (video 1-video 10) (see column 2, lines 60-62 and fig 2). However, Gordon et al. fail to specifically disclose assigning a unique process identification number (PID) to a frequency band, a multimedia network interface unit, a receive unit coupled to the multimedia network interface unit, validate the complete multimedia asset package received from the multimedia content provider and a content management system configured to receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server.

Yashiro et al. discloses assigning a unique process identification number (PID) to a frequency band (see column 6, lines 56-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al.'s invention with the above mentioned limitation as taught by Yashiro et al. for the advantage of preventing collisions between two or more programs.

However, Gordon et al. and Yashiro et al. fail to specifically disclose a multimedia network interface unit, a receive unit coupled to the multimedia network interface unit, validate the complete multimedia asset package received from the multimedia content

provider and a content management system configured to receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server.

Jerding et al. discloses a multimedia network interface unit (see fig 3 and column 6, lines 27-50), a receive unit coupled to the multimedia network interface unit (see fig 3 and column 6, lines 27-50), validating the complete multimedia asset package received from the multimedia content provider (see fig 10, 13, 20 (259) and column 19, lines 15-19) and a content management system configured to receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server (see fig 2, 3 and column 5, lines 16-36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Yashiro et al.'s invention with the above mentioned limitation as taught by Jerding et al. in order to manage the content received via video on demand.

Regarding **claim 28**, Gordon et al., Yashiro et al and Jerding et al. discloses everything claimed as applied above (see *claim 22*). Jerding et al. discloses the multimedia catcher receiver comprising an asset receive unit (20) coupled to the receive unit (19) and to the content management system (21), and capable of processing multimedia asset packages from the receive unit and multimedia asset packages

received from a local source (22) (see fig 2, column 4, lines 19-67 and column 5, lines 1-43).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) as applied to *claim 22* above, and further in view of Yashiro et al. (US Patent Number 5,767,895), Jerding et al (US Patent Number 7,010,801), Mitchell (US Patent Number 6,529,706), Benson et al. (US Patent Number 6,151,321) and King et al. (US Patent Number 6,477,707).

Regarding **claim 23**, Gordon et al., Yashiro et al and Jerding et al. discloses everything claimed as applied above. However, Gordon et al., Yashiro et al. and Jerding et al. fail to disclose the multimedia catcher receiver wherein the multimedia network interface unit comprises a plurality of data receiver cards configured to receive satellite transmissions.

Benson et al. discloses multimedia network interface unit comprises a data receiver card (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al. and Jerding et

al.'s invention with the above mentioned limitation as taught by Benson et al in order to provide additional services through other card inserted in the slots of the receiver.

However, Benson et al. fail to specifically disclose satellite transmissions.

Mitchell discloses receiver card configured to receive satellite transmissions (see fig 2 (240 and 264) and column 6, lines 28-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al, Jerding et al. and Benson et al.'s invention with the above mentioned limitation as taught by Mitchell for the advantage of broadcasting signals.

However, Gordon et al., Yashiro et al, Jerding et al. and Benson et al. and Mitchell fails to specifically disclose receiver cards.

King et al. discloses receiver cards (see column 9, lines 16-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al, Jerding et al., Benson et al and Mitchell's invention with the above mentioned limitation as taught by King et al. for the advantage of providing additional services through other cards.

Regarding **claim 24**, Gordon et al., Yashiro et al and Jerding et al. discloses everything claimed as applied above (see *claim 22*). However, Gordon et al., Yashiro et al and Jerding et al. fail to disclose the multimedia catcher receiver wherein the multimedia network interface unit comprises a plurality of data receiver cards configured

to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions.

Benson et al. discloses multimedia network interface unit comprises a data receiver card (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al and Jerding et al.'s invention with the above mentioned limitation as taught by Benson et al in order to provide additional services through other card inserted in the slots of the receiver.

However, Benson et al. fail to specifically disclose the data receiver card is configured to receive satellite transmissions and terrestrial transmission.

Mitchell discloses receiver card configured to receive satellite transmissions (see fig 2 (240 and 264) and column 6, lines 28-52) and terrestrial transmission (see fig 3 (285))

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al, Jerding et al. and Benson et al.'s invention with the above mentioned limitation as taught by Mitchell for the advantage of broadcasting signals.

However, Gordon et al., Yashiro et al, Jerding et al. and Benson et al. and Mitchell fails to specifically disclose receiver cards.

King et al. discloses receiver cards (see column 9, lines 16-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al., Yashiro et al, Jerding et al.,



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Benson et al and Mitchell's invention with the above mentioned limitation as taught by King et al. for the advantage of providing additional services through other cards.

Regarding **claim 25**, Gordon et al., Yashiro et al, Jerding et al., Mitchell and Benson et al discloses everything claimed as applied above (see *claim 24*). Mitchell discloses the multimedia catcher receiver wherein the network interface card comprises an ethernet card (see fig 5 (273) and column 13, lines 4-11).

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim 26** rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) and Jerding et al (US Patent Number 7,010,801) as applied to *claim 22* above, and further in view of Mitchell (US Patent Number 6,529,706) and Pereyra (US Publication Number 2003/0120608).

Regarding **claim 26**, Gordon et al. and Jerding et al. discloses everything claimed as applied above. However, Gordon et al. and Jerding et al. fails to specifically discloses providing acknowledgements of successful receipt of a multimedia asset package to the multimedia content providers and backchannel network.

Mitchell discloses a backchannel network (see fig 2 (280) and column 5, lines 39-49).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Jerding et al.'s invention with the above mentioned limitation as taught by Mitchell for the advantage of the content being controlled by the provider.

However, Gordon et al. and Jerding et al. and Mitchell fails to specifically disclose providing acknowledgements of successful receipt of a multimedia asset package to the multimedia content providers and backchannel network.

Pereyra discloses providing acknowledgements of successful receipt of a multimedia asset package to the multimedia content providers and backchannel network (see paragraph 0051, lines 42-54).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. and Mitchell 's invention with the above mentioned limitation as taught by Pereyra for the advantage of acknowledging the confirmation of delivery item.

Regarding **claim 27**, Gordon et al, Jerding et al., Mitchell and Pereyra discloses everything claimed as applied above (see *claim 26*). Mitchell discloses the method wherein the backchannel connection is a network connection chosen from the group consisting of an internet connection, a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection (see column 2, lines 58-61).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US Patent Number 6,621,870) as applied to *claim 28* above, and further in view of Yashiro et al. (US Patent Number 5,767,895), Jerding et al. (US Patent Number 7,010,801) and Hagen et al. (US Publication Number 2004/0181801).

Regarding **claim 29**, Gordon et al., Yashiro et al. and Jerding et al. discloses everything claimed as applied above. Jerding et al. discloses asset receive unit (see fig 2 (20)). However, Jerding et al. Yashiro et al. and Gordon et al. fail to specifically disclose at least one data input unit taken from the group consisting of a DVD-based drive and a FTP server interface.

Hagen et al. discloses at least one data input unit taken from the group consisting of a DVD-based drive (see paragraph 0020).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gordon et al. Yashiro et al. and Jerding et al.'s invention with the above mentioned limitation as taught by Hagen et al. for the advantage of recording purposes.

***Citation of Pertinent Prior Art***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hallford et al.** (US Patent Number 7,185,352).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ofurum whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNO/nno  
August 22, 2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', is written over a horizontal line.

VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600